



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

yellow
42852

OCT 08 1993

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Glen Ekberg
c/o Circle Boring & Machine Co., Inc.
3161 Forest View Road
Rockford, Illinois 61109

RE: Southeast Rockford Groundwater Site
General Notice of Potential Liability and
Request for Information

Dear Sir:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threatened release of hazardous substances, pollutants and contaminants at the above referenced Site, and is planning to spend public funds to control and investigate these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9601 et seq., (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party. Responsible parties under CERCLA include the current and former owners and operators, and persons who generated the hazardous substances or were involved in transport, treatment, or disposal of them at the Site. Under Section 107(a) of CERCLA, 42 U.S.C. §9607(a), where the Agency uses public funds to achieve the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the Site, including investigation, planning and enforcement.

The U.S. EPA is currently planning to conduct the following actions at the above referenced Site.

1. additional soil gas monitoring
2. additional soil borings

3. additional monitoring wells
4. surface soil samples
5. implementation of selected cleanup option

U.S. EPA has received information that you own property which is contaminated with hazardous substances and may be acting as a source of groundwater contamination. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities that U.S. EPA has determined or will determine are required at the Site.

As a potentially responsible party, you should notify U.S. EPA in writing within ten (10) days of receipt of this letter of your willingness to perform or finance the activities described above. If U.S. EPA does not receive a timely response, U.S. EPA will assume that you do not wish to negotiate a resolution of your potential responsibility in connection with the Site and that you have declined any involvement in performing the response activities.

Your letter should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with state or local authorities, engaged in voluntary cleanup action or involved in a lawsuit regarding this Site, you should continue such activities as you see fit. This letter is not intended to advise you or direct you to restrict or discontinue any such activities; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

In addition, U.S. EPA is seeking to obtain certain other information from you pursuant to its authority under Section 104(e) of CERCLA, 42 U.S.C. Section 9604(e), for the purpose of enforcing CERCLA and to assist in determining the need for response to a release of hazardous substance(s) under CERCLA. The Administrator of the U.S. EPA has the authority to require any person who has or may have information relevant to any of the following to furnish U.S. EPA with such information: (1) the identification, nature or quantity of materials which have been or are generated, treated, stored or disposed of at, or transported to, a facility; (2) the nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a facility; and (3) the ability of a person to pay for or perform a cleanup. Pursuant to CERCLA Section 104(e), you are hereby requested to complete and submit the following forms, "Financial Statement for Individuals" and "Financial Statement for Businesses," which seek information

concerning your ability to pay or perform a cleanup at the Southeast Rockford Groundwater Site in Rockford, Illinois.

The information sought herein must be sent to U.S. EPA within ten (10) calendar days of your receipt of this letter. Failure to respond fully and truthfully to this request, or to adequately justify any failure to respond, may result in an enforcement action against you by U.S. EPA under Section 104 of CERCLA, as amended. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may request however, that any such information be handled as confidential business information. A request for confidential treatment must be made when the information is provided, since any information not so identified will not be accorded this protection by the U.S. EPA. Information claimed as confidential will be handled in accordance with the provisions of 40 C.F.R. Part 2.

The forms submitted pursuant to this request must be submitted under an authorized signature certifying that all information contained therein is true and accurate to the best of the signatory's knowledge and belief. Moreover, any documents submitted to U.S. EPA pursuant to this information request should be certified as true and authentic to the best of the signatory's knowledge and belief. Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false, the signatory should so notify U.S. EPA. If any answer certified as true should be found to be untrue, the signatory can and may be prosecuted pursuant to 18 U.S.C. Section 1001. The U.S. EPA has the authority to use the information requested herein in any administrative, civil or criminal action.

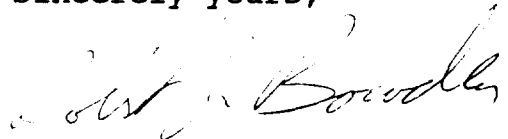
Your responses to both the notice of potential liability and the information request should be sent, within ten (10) days of your receipt of this letter, to:

Karen Vendl
U.S. EPA - Region V - HSRL - 6J
77 West Jackson Blvd.
Chicago, Illinois 60604

If you need further information regarding this letter, you may contact Ms. Vendl, Remedial Project Manager, at (312) 886-4739. Direct any legal question to either Elizabeth Doyle, of the Office of Regional Counsel, at (312) 353-6126, or Andrew Warren, of the Office of Regional Counsel, at (312) 353-5485.

Due to the nature of the problem at this site and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a written response within the time frames specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Robert J. Bowden".

Robert J. Bowden, Acting Chief
Illinois/Indiana Remedial & Enforcement Response Branch

bcc: A. Warren ORC
E. Doyle, ORC
K. Vendl
Shirley Dorsey, CRS (HSM-5J)



Financial Statement for Businesses *

(If additional space is needed, attach a separate sheet)

1. Your name and address (including zipcode and county)	2. Business name and address (including zipcode and county)	3. Business phone number () () ()
4. (Check appropriate box) <input type="checkbox"/> Sole proprietor <input type="checkbox"/> Trust <input type="checkbox"/> Partnership <input type="checkbox"/> Other (specify) _____ <input type="checkbox"/> Corporation		
5. Name and address of registered agent (including zipcode and county)	6. State of incorporation (or country if foreign)	7a. Type of business
	7b. SIC Code	

8. Information about owner, partners, officers, directors, major shareholder (5% or more stock ownership), other holders of more than 5% equity interest, holders of rights to purchase more than equity interest and other persons with an ability to control.

Name and Title	Effective Date	Home Address	Social Security Number (optional)	Phone Number	Total Shares or Interest

Section I General Financial Information

9. Last three years Federal and state income tax returns	Forms Filed	Tax Years ended	Net income before taxes
--	-------------	-----------------	-------------------------

10. Bank accounts (List all types of accounts including checking, savings, certificates of deposit, etc.)				
Name of Institution	Address	Type of Account	Account No.	Balance
Total (Enter in item 19)				

11. Bank Credit available (Lines of credit, etc.)					
Name of Institution	Address	Credit Limit	Amount Owed	Credit Available	Monthly

12. Location, box number, and contents of all safe deposit boxes rented or accessed

12 Real property

Brief Description and Type of Ownership	Address (include county, state and parcel number)
a	
b	
c	

14 Insurance policies owned with business as beneficiary

Name Insured	Company	Policy Number	Type	Face Amount	Available Loan Value
Total (Enter in Item 21)					

15 Additional information (Court and administrative proceedings by or against the business, settlement agreements, agreements to purchase or sell tangible or financial assets other than in the ordinary course of business, legal claims (whether asserted or not), bankruptcies, repossessions, recent transfers of assets for less than full value, anticipated increases in income, options to buy or sell real or personal property, real or personal property being purchased under contract, real or personal property being held on behalf of the business).

15 List all subsidiaries owned, joint ventures, partnerships and other entities controlled by the business. Provide current market value of the business' interest in such subsidiary or other entity.

16 Federal government departments or agencies with whom you have a contract for payment of goods or services

Agency Name	Address	Contract No.	Amount to be Received	Payment Due Date

16 Federal government departments or agencies that have extended or given the business loans, grants or assistance, or to which you have applied (or anticipated applying for any loan, grant or assistance) in the past 5 years.

17 Accounts/Notes receivable (include loans to stockholders, officers, partners, etc.)

Agency Name	Address	Amount Due	Due Date	Status
Total (Enter in Item 20)				

Description (a)	Cur. Mkt Value (b)	Liabilities Bal. Due (c)	Equity in Asset (d)	Amount of Mo. Pymt. (e)	Name and Address of Lien/Note Holder/Obligee (f)	Date Pledged (g)	Date of Final Pymt. (h)
11 Cash on hand							
12 Bank accounts							
13 Securities and other financial assets owned							
20 Accounts/Notes receivable							
21 Insurance Loan Value							
22 Real property (from item 13)	a.						
	b.						
	c.						
	d.						
23 Vehicles (Model, year, license)	a.						
	b.						
	c.						
24 Machinery and equipment (Specify)	a.						
	b.						
	c.						
25 Merchandise inventory (Specify)	a.						
	b.						
26 Other Assets (including permits, licenses, tax loss carry forwards, agreements not to compete, other contracts) (Specify)	a.						
	b.						
	c.						
	d.						
27 Other Liabilities (include judgements, notes, tax liens, etc.)	a.						
	b.						
	c.						
	d.						
	e.						
28 Federal & State Taxes Owed							
29 Totals							

Section III.

Income and Expense Analysis

The following information applies to income and expense during a one year period:

Accounting method used

_____ to _____

Income		Expenses	
1 Gross receipts from sales, services, etc.	\$	36. Materials purchased	\$
2 Gross rental income		37. Wages and salaries of employees	
3 Interest		38. Wages/salaries/bonuses for officers, directors and stockholders	
4 Dividends		39. Rent	
5 Other income (Specify)		40. Installment payments (from line 29)	
		41. Supplies	
		42. Utilities / Telephone	
		43. Gasoline / Oil	
		44. Repairs and maintenance	
		45. Insurance	
		46. Current taxes	
		47. Other, including fees paid for services (Specify)	
51 Total	\$	48. Total	\$
		49. Net difference	\$

6 List all transferred real & personal property, including cash (by gift; by loan that was not at fair market terms; by sale for less than fair market value or made outside the normal course of business, etc.) that was made within the last 3 years (items of \$3,000.¹⁰ or more):

Date	Amount	Property Transferred	To Whom	Conditions of Transfer
			(Indicate any relationship to business or its partners, directors, stockholders, or other controlling persons)	

Certification

Under penalties of perjury, I declare that to the best of my knowledge and belief this statement of assets, liabilities, and other information is true, correct, and complete.

51. Signature	52. Print Name / Title	53. Date
---------------	------------------------	----------